

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

**Subfile Nos. CHRB-002-0001
CHRB-002-0002**

ORDER REQUIRING SUBSTITUTION AND ANSWERS

This Order is entered following discussion with counsel for the State of New Mexico, *ex rel.* State Engineer (State) and Defendants Joe and Rosina Garcia Revocable Trust, appearing *pro se* by Joe Garcia, and Mundy Ranch, Inc. at the February 10, 2005, status and scheduling conference in Chama, New Mexico. Being fully informed in the premises, the Special Master orders the following:

A. Pursuant to the oral motion made by counsel for the State, James Mundy shall file a motion to substitute himself as party defendant for Defendant Mundy Ranch, Inc. pursuant to Fed. R. Civ. P. 26(c) no later than 30 days from service of this Order. A copy of the deed referred to at the February 10 status conference transferring ownership of water rights from Mundy Ranch, Inc. to James Mundy, properly executed and recorded with the Rio Arriba County Clerk, shall be attached as an exhibit. The motion shall be served only on the State and on Mundy Ranch, Inc.

B. Pursuant to the November 11, 2002, Procedural Order for the Adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System (Docket No. 6939), Defendant Mundy

Ranch, Inc., or after substitution James Mundy, *pro se*, shall file an Answer to the State's Complaint in this cause within 30 days of service of this Order, setting forth the Defendant's claims to the use of water with respect to the land mapped under Subfile CHRB-002-0002.

C. Pursuant to the November 11, 2002, Procedural Order for the Adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System (Docket No. 6939), Defendant Joe and Rosina Garcia Revocable Trust shall file an Answer to the State's Complaint in this cause within 30 days of service of this Order setting forth the Defendant's claims to the use of water with respect to the land mapped under Subfile CHRB-002-0001.

D. The Defendants' claims to the use of water with respect to the lands mapped under Subfiles CHRB-002-0001 and CHRB-002-0002 will be the subject of a pretrial conference now scheduled for April 12, 2005, in Santa Fe.

E. The State shall serve this Order on Defendants by first-class mail.

IT IS SO ORDERED.

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN